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May 6, 2003

Mr. Clay Pendarvis
Associate Chief, Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
TW-A306
Washington, D.C. 20554

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MAY - 6 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MB Docket No. 02-151
Yuma, Arizona
Ref. No. 1800E1-PB

Dear Mr. Pendarvis:

This is in response to your letter dated April 23, 2003, to William K. Keane of this office. Your letter concerns the above-referenced petition for rule making filed on behalf of Arizona Western College (the "College") requesting the allotment of DTV Channel 24 to Yuma, Arizona, as that community's first noncommercial DTV allotment. You indicate that the Mexican government has objected to the College's proposal on the grounds that it fails to adequately protect Mexican Channel 38 at Mexicali, B.C. You further state that the College must, within 30 days of the date of your letter, submit an appropriate amendment to the College's petition eliminating the overlap.

It is our understanding, based on telephone discussions with Mr. James McLuckie of the International Bureau, that on April 7, 2003, the College's proposal for DTV Channel 24 at Yuma was resubmitted to Mexico for its further consideration, and that the Commission has not yet received a response to the latest request for coordination.

In this regard, when the College filed its Petition for Rule Making, it noted that "there is an anomaly in Table A of the DTV Memorandum of Understanding with Mexico which requires protection of NTSC stations which are 14 and 15 channels above a proposed DTV allotment. However, DTV channels are not, in actuality, subject to taboo interference from stations 14 or 15 channels above the DTV channel, and this protection requirement appears to be an error, which the staff of the International Bureau has acknowledged." Petition at pages 3-4. However, since

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this anomaly is in the Memorandum of Understanding, the College requested coordination with Mexico of the proposed Channel 24 allotment to the extent required.

After counsel initially learned of Mexico's objection to the College's proposal during a discussion with a member of the Video Division's staff in March 2003, the College's engineering consultant contacted Mr. McLuckie and discussed the anomaly in the Memorandum of Understanding. Specifically, because the requested Channel 24 is 14 channels below the Mexicali allotment on Channel 38, the College's proposed allotment would not cause taboo interference to the Mexicali channel. Mr. McLuckie indicated that he would recoordinate the proposal with Mexico. Mr. McLuckie has advised us that the proposal was resubmitted to Mexico on April 7 and that the Commission is waiting for a further response.

Based on the foregoing, the Commission should take no further action on the College's Petition pending a further response from Mexico. If Mexico accepts the Channel 24 allotment, the Commission could then grant the College's Petition. If Mexico continues to object to the allotment proposal, upon notification from the Commission to that effect, the College will then look to submit an appropriate amendment to its proposal. However, it is premature for the College to have to submit an amendment now, while Mexico is considering the resubmitted coordination request.

Should you have any questions concerning this matter, or if any additional information is required, please contact Ken Keane of this office (202-775-7123) or undersigned counsel.

Sincerely,



Mark Van Bergh

cc: Pam Blumenthal, Video Division
James McLuckie, International Bureau